

I. REMARKS/ARGUMENTS

Claim Status

Claims 1-12 are pending. Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,344,707 to Snyder, hereinafter "Snyder" in view of U.S. Patent No. 3,616,150 to Borge (newly cited), hereinafter "Borge."

35 U.S.C. § 103(a) Rejection

Independent claim 1 includes features that are patentable over the cited references, either taken alone or in combination.

1. (Amended) An insulating material comprising a *non-woven blend* comprising a *polyester filling fibre and a cellulosic fibre* obtained by an organic spinning process, the material formed into a *form selected from the group consisting of a padding, a stuffing, and a filling*. (emphasis added)

Snyder describes fiberballs for pillows and cushions. Snyder describes blending fibers that are mechanically different (c. 6, ll. 64-68). For example, Snyder describes blending a mechanically-crimped fiber with a low denier fiber. *Snyder does not disclose or suggest blending fibers of different composition*. In fact, Snyder discloses *only one fiber composition* - poly(ethylene terephthalate). "The invention is further described in the following Examples in which the fibers were *all made from poly(ethylene terephthalate)*." (c. 8, ll. 54-56) The examiner seems to contend that the suggestion to blend mechanically different fibers is the same as a suggestion to blend fibers of different composition. Applicant, however, believes that such a contention is untenable. Applicant contends that the term "blend" as used in Snyder is used in a differently context than as used in claim 1 of the present application. Therefore, there is no motivation or suggestion in Snyder to use different composition fibers (*i.e.*, polyester filling fibre and a cellulosic fibre), as recited by the claims.

Assuming arguendo that Snyder provides some motivation for blending fibers of different composition, there is still no suggestion or motivation for combining Snyder with Borge. Borge is directed to articles having an outer layer laminated to an inner layer, such as used in clothing, in contrast to the claims which recite material formed into a padding, stuffing or filling. Therefore, Borge is non-analogous art and as such, it is unobvious to Borge combine with Snyder. Moreover, Borge's materials are *laminated layers* (c. 2, l. 2) in

contrast to the padding, stuffing, or filling of the claims. Therefore, one skilled in the art would not look to Borge for creating a padding, stuffing or filling. Further, Borge only discusses the insulating properties of the inner layer. As such, neither Snyder nor Borge address the *breathability* of a padding, stuffing or filling (see application as originally filed at page 1, line 20 – page 2, line 8).

Further, Borge's inner layer does not disclose or suggest blends at all but only discloses an inner layer of a *single composition* (c. 2, l. 36-43) (assuming arguendo that one would look to Borge at all for a padding, stuffing, or filling). Borge's only reference to blends is in reference to the *outer layer* (c. 2, l. 3-5) and not to any padding, stuffing, or filling.

Thus, the combination of Snyder and Borge would not lead to a blended padding, stuffing, or filling, as neither reference discloses or suggests a padding, stuffing, or filling comprising fibers of different composition.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not render independent claim 1 as obvious. Additionally, inasmuch as dependent claims 2-12 (which have also been rejected over the cited references) are dependent on claim 1, these claims are patentable over the cited references, at least by virtue of their dependency. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-12 under 35 U.S.C. § 103(a).

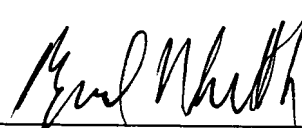
Conclusion

In view of the foregoing amendments and remarks, applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the examiner cannot allow the present application for any reason, the examiner is encouraged to contact the undersigned attorney, Raymond N. Scott Jr. at (215) 564-8951, to discuss resolution of any remaining issues.

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